

REMARKS

Favorable consideration of this application is respectfully requested. Applicant has rewritten claim 7, canceled claims 1-6 and 12-14 and added new claims 15-22. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks.

As to the restriction requirement, applicant has canceled claims 1-6 which were elected in the parent application 10/084,688 filed 2/27/2002, now issued as U.S. Patent 6,905,736 on June 14, 2005.

Applicant has amended the summary of the specification to include novel features of the invention that are later described in the detailed description of the invention on page 3, lines 15-18. Thus, no new matter has been entered. Also, this amendment to the specification was entered in the parent application 10/084,688 filed 2/27/2002, now issued as U.S. Patent 6,905,736 on June 14, 2005.

Claims 12-13 were rejected under sec. 102a as being anticipated by Kobayashi '969 or under sec. 103 as being obvious over Kobayashi '969 in view of Wickramasinghe '235. This rejection is now moot since these claims have been canceled. Applicant also notes that method versions having novel claimed features of the subject claims were allowed in the parent application 10/084,688 filed 2/27/2002, now issued as U.S. Patent 6,905,736 on June 14, 2005, where the examiner in the parent application allowed the claims over the same Kobayashi '969 reference. Thus, removal of this rejection is respectfully requested.

Claims 7-11 were rejected under sec. 102e as being anticipated by Suzuki in view of Wickramasinghe '235 and Carter.

Independent claim 7 has been amended to include "...a partially overlapping portion with one another, the partially overlapping portion being selected from one of a ball-shaped portion, and a point shaped configuration..." These novel features are not described, taught, or suggested by the references of record. Thus, removal of this rejection is requested.

Claims 12-14 were rejected under sec. 102e over Suzuki or as obvious over Suzuki in view of Wickramasinghe '235 and Kobayashi '969. This rejection is moot since these claims have been canceled, and in view of the remarks presented above.

Claims 7-8, 11 were rejected over Kobayashi '969 in view of Carter or in view of Wickramasinghe '235. Again, similar subject matter in the parent application was found allowable over Kobayashi '969. Additionally, neither Carter or Wickramasinghe '235 describe, teach or suggest the novel claimed features of "...a partially overlapping portion with one another, the partially overlapping portion being selected from one of a ball-shaped portion, and a point shaped configuration..." as is claimed in independent claim 7. Thus, removal of this rejection is requested.

Claim 9 was rejected Kobayashi '969 in view of Carter, with Wickramasinghe '235 in view of Iida. Again, none of these references describe, teach, or suggest the claimed features of "...a partially overlapping portion with one another, the partially overlapping portion being selected from one of a ball-shaped portion, and a point shaped configuration..." as is claimed in independent claim 7. Thus, removal of this rejection is requested.

Claim 14 was rejected Kobayashi '969 in view of Carter, with Wickramasinghe '235 in view of Iida. This rejection is moot since this claim was canceled. Also, again, none of these references describe, teach, or suggest the claimed features of "...a partially overlapping portion with one another, the partially overlapping portion being selected from one of a ball-shaped portion, and a point shaped configuration..." as is claimed in independent claim 7. Thus, removal of this rejection is requested.

Claim 10 was rejected Kobayashi '969 in view of Carter, with Wickramasinghe '235 in view of Iida. Again, none of these references describe, teach, or suggest the claimed features of "...a partially overlapping portion with one another, the partially overlapping portion being selected from one of a ball-shaped portion, and a point shaped configuration..." as is claimed in independent claim 7. Thus, removal of this rejection is requested.

Applicant has included additional claimed features in claims 15-22 that are also not described, taught or suggested by the cited prior art.

MPEP section 706.04 states that full faith and credit should be given to the action of a previous examiner unless there is clear error in the previous action or knowledge of other prior art. The examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner who has allowed similar novel claimed features in mere hopes of finding something. *Amgen Inc. v. Hoechst Marion Roussel, Inc.* 126 F. Supp. 2d 69, 139, 57 USPQ 2d 1449(D-Mass 2001).

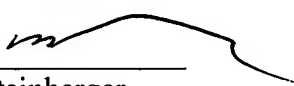
There is no teaching, nor suggestion for modifying the references of record to include all the novel features of the amended claims. Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir. 1991).

Applicant contends the references cannot be modified to incorporate the features of subject claims 7-11 and 15-22 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination.

In view of the foregoing considerations, it is respectfully urged that claims 7-11 and 15-22 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;



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